

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA HOLZHAUER and GEORGE HOLZHAUER,

Plaintiffs,

- against -

RESPONSE TO  
DEFENDANTS'  
INTERROGATORIES

J.C. PENNEY CORPORATION, INC. and J.C.  
PENNEY CORPORATION, INC. d/b/a J.C. PENNEY,

08-CV-6076  
Judge: Conner

Defendants.  
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Plaintiffs, by attorneys, DEPROSPO, PETRIZZO & LONGO, ESQS. as and for  
their Response to Defendants' Interrogatories herein as follows:

1. Please set forth each Plaintiff's full name and each address of each  
plaintiff from the date of the occurrence up until the date on which these Interrogatories  
are answered.

**Response:** The full names of the plaintiffs are Maria Holzhauser (no middle  
name) and George William Holzhauser and their address from the date of the  
occurrence up until the present date is 1 Overhill Lane, Warwick, New York 10990.

2. Set forth each Plaintiff's exact date and place of birth.

**Response:** The date and place of birth of the plaintiff, MARIA HOLZHAUER,  
was Curinga, Italy on [REDACTED].

The date and place of birth of the plaintiff, GEORGE HOLZHAUER, was  
Brooklyn, New York on [REDACTED].

3. Set forth each Plaintiff's social security number.

**Response:** The social security number of the plaintiff, MARIA HOLZHAUER, is

[REDACTED] 9.

The social security number of the plaintiff, GEORGE HOLZHAUER,  
is [REDACTED] 7.

4. Set forth the exact date and time of the occurrence.

**Response:** The accident occurred on or about the 14<sup>th</sup> day of December, 2007 at approximately 5:00 PM.

5. Set forth the exact location of the occurrence, specifically stating the distance between the exact point of the occurrence and any available landmarks in or around the J.C. PENNEY location:

**Response:** The mens clothing section of J.C. Penneys located at One N. Galleria Drive, Galleria at Crystal Run, Middletown, County of Orange, State of New York, more specifically in the area of the mens' sock displays was the situs of the within incident

6. Set forth the names and addresses of all persons known to you or your attorneys who have or claim to have knowledge and/or information concerning the occurrence including witnesses to the occurrence and all persons with whom Plaintiff had conversations during the sixty (60) minutes immediately following the occurrence (Include the sums and substance of said conversations).

**Response:** The plaintiffs, MARIA HOLZHAUER and GEORGE HOLZHAUER, have knowledge and/or information concerning the occurrence. In addition, the defendants herein by their employees and/or agents, including Jessie Skold has information concerning the occurrence, along with members of the Galleria Mall Security whose identities are unknown at this time.

7. Describe in detail the injuries that Plaintiff allegedly sustained as a result of the occurrence.

**Response:** The plaintiff, MARIA HOLZHAUER, sustained the following injuries:

LABRAL TEAR ON RIGHT;  
SUPRASPINATOUS TENDON TEAR ON RIGHT;  
FRAYING OF ROTATOR CUFF ON RIGHT;  
TENDINITIS ROTATOR CUFF ON RIGHT;  
INFRASPINATUS TENDINOPATHY ON RIGHT;  
GLENOHUMERAL JOINT EFFUSION ON RIGHT;  
PERMANENT SIGNIFICANT SCARRING AND  
DISFIGUREMENT SECONDARY TO RIGHT  
SHOULDER ARTHROSCOPY, LABRAL TEAR  
DEBRIDEMENT, DEBRIDEMENT OF PARTIAL  
ROTATOR CUFF TEAR AND SUBACROMIAL  
DECOMPRESSION PERFORMED ON 2/15/08;  
CONTUSIONS TO RIGHT SHOULDER;  
PAIN INTO RIGHT ARM;  
AGGRAVATION, ACTIVATION AND/OR EXACERBATION  
OF PRE-EXISTING DEGENERATIVE CHANGES  
RIGHT SHOULDER;  
CHRONIC MYALGIA EXPECTED AT AREA OF TEAR;  
ACCOMPANYING SEVERE PAIN, SWELLING AND  
TENDERNESS;  
RESTRICTION OF MOTION;  
SEVERE PAIN ON MOVEMENT AND PALPATION;

8. Identify every healthcare provider with whom Plaintiff has treated for injuries allegedly sustained in the occurrence.

**Response:** The plaintiff, MARIA HOLZHAUER, has treated with the following medical providers to date:

St. Anthony Community Hospital  
15 Maple Avenue  
Warwick, New York 10990

Center for Physical Rehabilitation  
c/o St. Anthony Hospital  
15 Maple Avenue  
Warwick, New York 10990

John S. Juliano, MD, LLP  
155 Crystal Run Road  
Middletown, New York 10941

Marc Appel, MD  
45 Ronald Reagan Boulevard  
Warwick, New York 10990

Orange Radiology Associates

505 Route 208  
Monroe, New York 10950

Warwick IGM Therapeutic Acupressure  
7 Wisner Road  
Warwick, New York 10990

9. State whether prior to the date of loss Plaintiff ever suffered any injury or condition to those body parts identified as injured in response to Interrogatory #7; if so, list each such injury and condition and the date of its onset.

**Response:** The plaintiff, MARIA HOLZHAUER, has not previously suffered any injury to the body parts identified in response to Interrogatory numbered "7" hereinabove. The plaintiff did previously have degenerative changes to her right shoulder which she was not aware of nor had she ever treated for same.

10. State whether at any time after the date of loss Plaintiff ever suffered any additional injury or condition to those body parts identified as injured in response to Interrogatory #7; if so, list each such injury and condition and the date of its onset.

**Response:** The plaintiff, MARIA HOLZHAUER, has not suffered any additional injury or condition to the body parts identified in response to Interrogatory numbered "7" hereinabove.

11. If either of the two (2) preceding Interrogatories have been answered in the positive, set forth the date of all such injuries, the nature and extent of all such injuries and the identities of all hospitals, doctors, clinics, testing facilities, therapy facilities, chiropractors and other healthcare providers from whom Plaintiff sought testing or treatment for said injuries.

**Response:** The plaintiff, MARIA HOLZHAUER, had pre-existing degenerative changes to her right shoulder which she was not aware of nor had she ever treated for.



12. Set forth the length of time that Plaintiff was confined to the hospital for treatment for injuries sustained in the occurrence as well as the names of said hospital(s); set forth the specific dates of said confinements.

**Response:** The plaintiff, MARIA HOLZHAUER, was confined to St. Anthony Community Hospital, 15 Maple Avenue, Warwick, New York 10990 on December 14, 2007 for emergency room and x-ray treatment and thereafter further confined to St. Anthony Community Hospital on February 15, 2008 for a right shoulder arthroscopic procedure.

13. Set forth the length of time that Plaintiff was allegedly confined to bed and/or home as a result of injuries sustained in this occurrence as well as the dates of said confinement(s).

**Response:** Immediately following the accident, the plaintiff, MARIA HOLZHAUER, was confined to home for a period of approximately two months. On February 15, 2008 this plaintiff underwent a right shoulder arthroscopy thereby causing her to be further confined to bed for a period of approximately three days and thereafter to home for a period of approximately ten days.

14. List all of Plaintiff's employers during the period January 1, 2004 to the present including her dates of employment therewith.

**Response:** The plaintiff, MARIA HOLZHAUER, has not been employed during the period of January 1, 2004 through the present.

15. Set forth the total amount claimed as special damages by Plaintiff for physicians' services, hospital expenses, nursing services, ambulance services, testing